

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

Michael Fody, III

Bky No. 12-45009 (RJK)  
Chapter 7

Paul M. Gayle-Smith

Plaintiff

Adv. Proc. No. 12-04298

v.

Michael Fody, III

Defendant

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**DEFENDANT'S WITNESS LIST**

1. Michael Fody, III, 1230 14<sup>th</sup> Street North, St. Cloud, Minnesota, 56303, the defendant, may testify as to the case generally and to payments made to the plaintiff for his services.
2. Judy Miller, 1230 14<sup>th</sup> Street North, St. Cloud, Minnesota, 56303, the defendant's wife, may testify as to the case generally and to payments made by the defendant to the plaintiff for his services.
3. Paul Gayle-Smith, 2961 Sundance Circle, Las Cruces, NM 88011, as to all fact issues.

The defendant also reserves the right to call any witnesses identified on the plaintiff's witness list, and to call such further and additional rebuttal, impeachment or other witnesses as may be justified by the evidence presented at hearing.

DAVE BURNS LAW OFFICE, LLC

Dated: June 10, 2013

/e/ David M. Burns

David M. Burns #337869  
475 Grain Exchange North  
301 Fourth Avenue South  
Minneapolis, MN 55415  
(612) 677-8351

*Attorney for Defendant*

**UNSWORN DECLARATION FOR PROOF OF SERVICE**

I, David M. Burns, attorney of Michael Fody, III declare that on June 10, 2013, I served an DEFENDANT'S WITNESS LIST on all filing users of this case by electronic mail via the court's CM/ECF server.

DAVE BURNS LAW OFFICE, LLC

Dated: June 10, 2013

/e/ David M. Burns

David M. Burns #337869  
475 Grain Exchange North  
301 Fourth Avenue South  
Minneapolis, MN 55415  
(612) 677-8351

*Attorney for Debtor*